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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/598,725

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Atul N. Sinha

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7590

02/03/2005

PHILLIPS INTELLECTUAL PROPERTY & STANDARDS  
1109 MCKAY DRIVE; MAIL STOP SJ41  
SAN JOSE, CA 95131

EXAMINER

HO, DUC CHI

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/598,725

Applicant(s)

SINHA, ATUL N.

Examiner

Duc C Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6, 8-12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 2-6, 8-12, 14-18, and 20-22 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4, 9-10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam (US 6,359,892).

Regarding claim 2, Szlam discloses a remote access, emulation, and control of office equipment, devices and services.

*enabling access to a gateway* (a communication link 11-fig.1, see col. 7, lines 15-17) *for interfacing with a mobile telephone* (a virtual phone 505-fig. 5 of the portable device 10-fig. 1 is able to communicate to outside parties via the communication link 11) ;

*enabling access between the gateway and the data network* ( the communication link 11-fig. 1 enables the device 10 to access the Internet via the ISP 230-fig. 2A, see col. 8, lines 32-45);

*enabling access to a user profile, associated with the user* (the user can access a user profile at the controller 225-fig. 1, see col. 19-line 24 to col. 20-line 11), *and*

*further enabling the user to communicate in dependence upon this user profile* ( the user can communicate with other offices either at London, Tokyo or Atlanta with this user profile, see col. 19-line 24 to col. 20-line 37)

Szlam, however, does not teach the user profile located on the data network.

One skill in the art would recognize the advantage of locating a user profile at the data network, which enables a user to access his or her profile conveniently at anytime, anywhere in the world.

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ a user profile at the data network into the system of Szlam such that enabling a user to access his or her user profile conveniently at anytime, anywhere in the world without experiencing the problem of going through layers of security firewall in a main office and other measures established to protect such an office in a private network when there is no need to access a file from the office.

Regarding claim 3, in Szlam the user profile enables access the communication link 11-fig. 1 with a wired telephone as shown in figure 2A, or with a mobile phone as shown in figure 5.

Regarding claim 4, in Szlam the device 10-fig. 1 is able to receive a conventional phone call initiated from a PSTN via the Internet and the communication link 11-fig. 1.

Regarding claims 9, and 17, these claims have similar limitations as claim 2. Therefore, they are rejected under Szlam for the same reasons set forth in the rejection of claim 2.

Regarding claim 10, the user at device 10-fig.1 is capable of employing his or her user profile to communicate with a wired telephone at offices either at London, Tokyo or Atlanta.

3. Claims 5-6, 8, 11-12, 14-16, 18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam (US 6,359,892), in view of Beser et al. (US 6,496,867), hereinafter referred to as Beser.

Regarding claim 20, Szlam discloses a remote access, emulation, and control of office equipment, devices and services.

*enabling access to a gateway* (a communication link 11-fig.1, col. 7, lines 15-17) *for interfacing with a mobile telephone* ( a virtual phone 505-fig. 5 of the portable device 10-fig. 1 is able to communicate to outside parties via the communication link 11) ;

*enabling access between the gateway and the data network* ( the communication link 11-fig. 1 enables the device 10 to access the Internet via the ISP 230-fig. 2A) ;

Szlam, however, does not specifically disclose identifying the user with a unique VOIP-name to facilitate network communication specific to the user.

One skill in the art would recognize the advantage of identifying the user with a unique VOIP name to facilitate network communication specific to the user. For example, the unique identifier is an electronic mail address or a domain name and may be used to initiate the VoIP association. In this way when a user of a terminating telephony device may have moved from one office to another office while still retaining the same electronic mail address, rather than identifying the terminating user by the number assigned to a physical device in the office, it may be more appropriate to identify the user by the static electronic mail address.

Beser discloses a system and method to negotiate private network addresses for initiating tunneling associations through private and/or public networks. Beser also teaches using an electronic mail address to initiate a VOIP association, see col. 10, lines 33-35.

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ a unique identifier as an association for VOIP communication as taught by

Beser into the system of Szlam in order to enable a user to communicate with others by VOIP application by using e-mail address instead of an assigned IP address from an ISP.

Regarding claim 21, the claim has similar limitations as claim 20. Therefore, it is rejected under Szlam for the same reasons set forth in the rejection of claim 20.

Regarding claim 22, Szlam discloses a remote access, emulation, and control of office equipment, devices and services. The controller 225-fig.1 is equivalent to a gateway device, see col. 8-line 56 to col. 9-line 10.

*a communication device that is configured to communicate with a mobile telephone (the controller 225-fig. 1 inherently includes a communication module to communicate with the virtual phone 505-fig. 5), and*

*a network access device that is configured to communicate with a data network ( the controller 225 functioning as a network access device includes a network card that is configured to communicate with the Internet and the portable communications device 10 that has the virtual phone, see col.8-line 56 to col. 9, line 9), and to provide thereby communication with the mobile telephone.*

Szlam, however, does not teach providing communications with the mobile telephone as identified by a user-specific VOIP name via the data network.

One skill in the art would recognize the advantage of identifying the user with a unique VOIP name to facilitate network communication specific to the user. For example, the unique identifier is an electronic mail address or a domain name and may be used to initiate the VoIP association. In this way when a user of a terminating telephony device may have moved from

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one office to another office while still retaining the same electronic mail address, rather than identifying the terminating user by the number assigned to a physical device in the office, it may be more appropriate to identify the user by the static electronic mail address.

Beser discloses a system and method to negotiate private network addresses for initiating tunneling associations through private and/or public networks. Beser also teaches using an electronic mail address to initiate a VOIP association, see col. 10, lines 33-35.

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ a unique identifier as an association for VOIP communication as taught by Beser into the system of Szlam in order to enable a user to communicate with others by VOIP application by using e-mail address instead of an assigned IP address from an ISP.

Regarding claim 5, in Szlam the user at the device 10-fig. 1 is able to receive a conventional phone call initiated from a PSTN via the Internet and through the communication link 11-fig. 1.

Regarding claim 6, in Szlam the user at the device 10-fig. 1 is able to response to the received phone call initiated from a PSTN via the Internet and the communication link 11-fig. 1.

Regarding claim 8, in Szlam the communication link 11-fig. 1 is inherently configured to provide a communication path between the mobile phone 505-fig. 5 and the Internet based on the IP address associated with the phone.

Regarding claim 11, in Szlam the user at the device 10-fig. 1, via the mobile phone 505-fig. 5, is able to receive a conventional phone call initiated from a PSTN via the Internet and through the communication link 11-fig. 1.

Regarding claim 12, in Szlam the communication link 11-fig. 1 provides other network access for interfacing between a telephone network and the Internet.

Regarding claim 14, in Szlam the controller 225-fig. 1 can connect with the Internet, see col. 9, lines 3-9.

Regarding claim 15, in Szlam the controller 225-fig. 1 should include an interface application that enables a connection between a mobile telephone (virtual phone) and other telephone device via an IP address that is associated with other telephone device, see col. 18-line 50 to col. 19-line 23.

Regarding claim 16, in Szlam the controller 225-fig. 1 should include an interface application that enables a connection between a mobile telephone and other telephone device via an IP address that is associated with the mobile telephone (virtual phone), see col. 18-line 50 to col. 19-line 23.

Regarding claim 18, the controller 225-fig. 1 should include a communication module configured to communicate with other telephones in the main office 13-fig. 1. The controller 225-fig. 1 functioning as a network access device includes a network card that is configured to communicate with the virtual phone and the other telephones based on an IP addressing scheme, see col.8-line 56 to col. 9-line 9.

#### ***Response to Arguments***

4. Applicant's arguments filed 06/24/04 have been fully considered but they are not persuasive.

Regarding claims 2, 9, and 17, in Slamz the user may create a personal profile, which causes the controller to forward selected communications to him, via the Internet, wherever the user may be, see abstract.



Regarding claims 20-22, if a user's advantage in Slamz is that he or she can access resources, initiating a phone call, or receive a phone call anytime anywhere with his or her user profile, then that advantage can be further enhanced by Beser's technique by identifying the user with a VOIP-name to facilitate network communication. Therefore, it would have been obvious to combine Slamz with Beser to obtain invention as specified in those claims.

***Allowable Subject Matter***

5. Claim 19 is objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 23 is allowed.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

  
Duc Ho

01-25-05